

REMARKS

Consideration and further examination is respectfully requested.

Provisional double patenting rejections have been made based on co-pending patent applications. Applicant will consider filing a terminal disclaimer regarding one or more of the co-pending applications should any of the subject claims be issued.

Claims 1 and 3-7 have been rejected under 35 U.S.C. 112, first paragraph, as not being enabled for the X moiety being N or S. Applicant disputes this ground of rejection, but it has been rendered moot by the foregoing amendment to claim 1. Claim 1 was found to be indefinite when the X moiety is N; this ground of rejection has been rendered moot by the amendment to claim 1 removing N as an option for the X moiety. Claims 6 and 7 were found to be indefinite; these grounds of rejection have been rendered moot by the cancellation of claims 6 and 7. Reconsideration and withdrawal of the 112, first paragraph, rejection is respectfully requested.

Claims 1-7 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claims the subject matter that applicant regards as the invention, specifically relating to the language “pharmaceutically active derivative.” Claim 1 has been amended to refer specifically to salts of the recited compounds. Support for this amendment is found in the specification, for example, in the paragraph bridging pages 3 and 4. Reconsideration and withdrawal of the 112, second paragraph, rejection is respectfully requested.

Claims 1-3 and 5-6 were rejected under 35 U.S.C. 102(e) as being anticipated by Tam based on the “pharmaceutically active derivative” language. This ground of rejection has been

rendered moot by the foregoing amendment. Reconsideration and withdrawal of the 102(e) rejection based on Tam is respectfully requested.

Claims 1-7 were rejected under 35 U.S.C. 102(e) as being anticipated by Dykstra et al. based on the "pharmaceutically active derivative" language. This ground of rejection has been rendered moot by the foregoing amendment. Reconsideration and withdrawal of the 102(e) rejection based on Dykstra et al. is respectfully requested.

Claims 1-2 were rejected under 35 U.S.C. 102(e) as being anticipated by Sas et al. These applications share five of the same inventors. In addition, as recited in the records of the United States Patent and Trademark Office, these applications are commonly owned and therefore the Sas et al. reference is not prior art relative to the present application. Reconsideration and withdrawal of the 102(e) rejection based on Sas et al. is respectfully requested.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Kent A. Herink, Applicants' Attorney at 515-288-2500 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date



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